

MOTION INFORMATION STATEMENT

Docket Number(s): 15-3398 Caption [use short title]

Motion for: Voluntary Dismissal NLRB
of the NLRB's Application for Enforcement v.
V. Garafalo Carting, Inc.

Set forth below precise, complete statement of relief sought:

Pursuant to FRAP 42(b),
Voluntarily Dismiss the NLRB's
Application For Enforcement,
Without Prejudice, Each Side
to Bear their Own Costs and Attorney's Fees

MOVING PARTY: Plaintiff Defendant
 Appellant/Petitioner Appellee/Respondent

OPPOSING PARTY: V Garagalo Carting, Inc.

MOVING ATTORNEY: Linda Dreeben OPPOSING ATTORNEY: Robert Milman
[name of attorney, with firm, address, phone number and e-mail]

Linda Dreeben
National Labor Relations Board
1015 Half Street, SW; Washington, D.C. 20570

Milman Labuda Law Group PLLC
3000 Marcus Avenue Suite 3WE
Lake Success, NY 11042-1009

Court-Judge/Agency appealed from: NLRB

Please check appropriate boxes:

Has movant notified opposing counsel (required by Local Rule 27.1):
 Yes No (explain): _____

Opposing counsel's position on motion:
 Unopposed Opposed Don't Know

Does opposing counsel intend to file a response:
 Yes No Don't Know

FOR EMERGENCY MOTIONS, MOTIONS FOR STAYS AND INJUNCTIONS PENDING APPEAL:

Has request for relief been made below? Yes No
Has this relief been previously sought in this Court? Yes No

Requested return date and explanation of emergency: _____

Is oral argument on motion requested? Yes No (requests for oral argument will not necessarily be granted)

Has argument date of appeal been set? Yes No If yes, enter date: _____

Signature of Moving Attorney: Linda Dreeben Date: March 18, 2016

Service by: CM/ECF Other [Attach proof of service]

UNITED STATES COURT OF APPEALS
FOR THE SECOND CIRCUIT

NATIONAL LABOR RELATIONS BOARD

Petitioner

v.

No. 15-3398

V GARAFALO CARTING, INC.

Respondent

Board Case No.
29-CA-141798

MOTION OF THE NATIONAL LABOR RELATIONS BOARD
TO DISMISS ITS APPLICATION FOR ENFORCEMENT

To the Honorable, the Judges of the United States
Court of Appeals for the Second Circuit:

The National Labor Relations Board (“the Board”) respectfully moves to have its application for enforcement of its order in the above-captioned case dismissed without prejudice, pursuant to FRAP Rule 42(b), and without an award of costs or attorney's fees to either party. In support of its motion, the Board shows as follows:

1. On October 13, 2015, the Board filed its application for enforcement of its order.

2. The Respondent is currently complying with the Board’s order to the satisfaction of the Board, which eliminates the need for further litigation in this case at this time.

WHEREFORE, the Board respectfully moves that its application for enforcement be dismissed without prejudice and without an award of costs or attorneys' fees to either party.

/s/Linda Dreeben

Linda Dreeben

Deputy Associate General Counsel

NATIONAL LABOR RELATIONS BOARD

1015 Half Street, SE

Washington, D.C. 20570

Dated at Washington, D.C.
this 18th of March, 2016

UNITED STATES COURT OF APPEALS
FOR THE SECOND CIRCUIT

NATIONAL LABOR RELATIONS BOARD

Petitioner

v.

No. 15-3398

V GARAFALO CARTING, INC.

Board Case No.

Respondent

29-CA-141798

CERTIFICATE OF SERVICE

The undersigned hereby certifies that one copy of the Board's motion to dismiss its application for enforcement in the above-captioned case has this day been served electronically upon the following counsel at the address listed below:

Jonathan Sturm, Esq.
562 Rica Lane
Woodmere, NY 11598

Milman Labuda Law Group, PLLC
Room 3w8
3000 Marcus Avenue
Lake Success, NY 11042

/s/Linda Dreeben
Linda Dreeben
Deputy Associate General Counsel
NATIONAL LABOR RELATIONS BOARD
1015 Half Street, SE
Washington, D.C. 20570

Dated at Washington, D.C.
this 18th of March, 2016